



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

May 26, 2010

Robert Steele
Rock Creek Gypsum
1065 North 400 East
Nephi, Utah 84648

Allen Young
Young Kester and Petro
75 South 300 West
Provo, Utah 84601

Subject: Deficient Notice of Intention to Commence Small Mining Operations, Robert Steele, Gardner Canyon/Nebo Gypsum Mine, S/023/0015, Juab County, Utah

Dear Messrs. Steele and Young:

On May 18, 2010, the Division received your response to the deficiency notice dated May 5, 2010. **The response is inadequate** for the Division to approve the updated Notice of Intention (NOI). As part of the Finding of Fact, Conclusion of Law, and Order issued by Associate Director Dana Dean on December 14, 2009, you were required to submit "an updated, accurate and complete NOI" by February 1, 2010. **The Failure to Abate Cessation Order (FTACO) had a fine of \$17,250 that was to be held in abeyance as long as all items in the order were completed by that date.** As of May 24, 2010, these conditions have not been met.

The NOI must be a stand-alone document. Neither the Division staff or the general public would know what information in the files would pertain to those items that have not been directly addressed in the NOI. If you want to use maps and other documents that are in the Division's file, the Division's staff will help you with access to those items.

Please use the appropriate forms to modify the submitted NOI. Most minerals forms are on the Division's web site at <http://ogm.utah.gov/minerals/MINERALSFORMS.htm>. The NOI form for a small mine is at https://fs.ogm.utah.gov/pub/mines/minerals_related/forms/MR-SMO.pdf while the forms needed for the Division to accept the changes NOI are in https://fs.ogm.utah.gov/pub/MINES/Minerals_Related/FORMS/MR-REV-SMO_EXP.pdf. If you need an help with forms please contact the Division's staff.



The following items will need to be addressed before the NOI can be determined complete:

1. On page 2, item 3 please check appropriate boxes indicating those items for which the contact person may be notified.
2. On page 2, item 4; please leave the section for sole proprietor blank because Triumph Mining Corporation is a corporation, not a sole proprietor.
3. On page 3, item 5, the Division understands the surface is owned only by the Forest Service. Please make this correction.
4. On page 4, Section II, item 1, please fill in the legal description information as closely as possible. Specifically list the area to the nearest $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$ section if possible. Please also include the UTM coordinates, if known.
5. In response to the requirement shown on page 4, Section II, item 2a, please include a general location map that shows the mine site. The general location map must show how to access the site from a paved public road or other significant landmark. The Division needs that information so that a staff member that is unfamiliar with the site can easily find the site using the maps in the NOI.
6. In response to the requirement shown on page 4, Section II, item 2b, please include a map at a scale of about one inch equals 200 feet that shows the permit boundaries; the location of any existing or proposed operations, including access roads, drill holes, trenches, pits, shafts, or cuts; and any adjacent previous disturbance for which Triumph Mining is not responsible. The map on page 24 of the response is at a scale of 1-inch equals 400 feet not the required 1-inch equals 200 feet. The permit boundaries are not clearly identified on that map. For example, is the area shown as the mine extension included in the permit boundary, and what roads are included in the permit boundary?

The reclamation contract that was submitted previously is in the name of Robert Steele, but the NOI and the reclamation surety are both in the name of Triumph Mining. Enclosed is a copy of the reclamation contract with Triumph Mining shown as the permittee. The reclamation contract previously sent was signed *but not notarized*. **Please sign this new form and have it notarized and return it to the Division.**

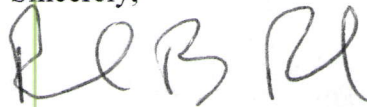
Please provide your response as replacement pages to your original NOI, or provide a complete replacement.

If you have any questions regarding this letter, please call me at 801-538-5261 or Wayne Western at 801-538-5263. In reply, please refer to file number S0230015. Thank you for your cooperation.

Robert Steel and Allen Young
Page 3 of 3
S/023/0015
May 26, 2010

Please remember that the **FTACO of \$17,250 will be held in abeyance only if the Operator fully complies with the settlement agreement** that includes a signed reclamation contract and submittal of a complete NOI.

Sincerely,

A handwritten signature in black ink, appearing to read 'P B Baker', written over a light blue grid background.

Paul B. Baker
Minerals Program Manager

PBB:whw:pb
cc: dream@fs.fed.us
P:\GROUPS\MINERALS\WP\M023-Juab\S0230015-GardnerCanyon\final\Rev3-3550-05242010.doc